IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOSEPH W. CHAVIS	§	
VS.	§	CIVIL ACTION NO. 1:05cv412
ROBERT WALKER, ET AL.	§	

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Joseph W. Chavis, an inmate previously confined at the Allred Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against employees of the Allred Unit.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq*., under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents which occurred at the Allred Unit. The Allred Unit is located in the Wichita Falls Division of the United States District Court for the Northern District of Texas. The court has considered the circumstances and has determined that the interest of justice would best be served if the complaint were transferred to the district in which the claims arose and where the defendants reside. Therefore, the case should be transferred to the Northern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this ____24____ day of _____June_____ , 2005.

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EARL S. HINES
UNITED STATES MAGISTRATE JUDGE